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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,135	06/05/2001	David Sencer	3848-010270	3534

7990 01/23/2004

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EXAMINER

BRUENES, CHRISTOPHER P

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)	
09/763,135	SENEOR, DAVID	
Examiner	Art Unit	
Christopher P Bruerjes	1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b)

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1 ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2 ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation sheet.

- 3 ☐ Applicant's reply has overcome the following rejection(s): _____.
4 ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5 ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6 ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7 ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none

Claim(s) objected to: none

Claim(s) rejected: 1-10

Claim(s) withdrawn from consideration: none

- 8 ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9 ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10 ☐ Other: _____

ADVISORY ACTION

Acknowledgement of Applicant's Amendment

1. The amendments made in claims 1 and 4 given in Applicant's amendment filed November 24, 2003 have not been entered due to the fact that they raise new issues that would require further consideration and/or search. Changing the claim from comprising to consisting of, raises new issues because now the scope of the claims are limited to only two reservoirs instead of at least two, and the second reservoir is limited to a paper material and polyurethane only.

Response to Amendment

2. The declaration under 37 CFR 1.132 filed November 24, 2003 is insufficient to overcome the rejection of claims 1-10 based upon 35 U.S.C. 102 and 103 as set forth in the last Office action because: The showing is not commensurate in scope with claims as presented prior to the after final amendment, and the amendments filed in the after final were not entered because they changed the scope of the claims.

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ANSWERS TO APPLICANT'S ARGUMENTS

3. Applicant's arguments presented in the Paper filed on November 24, 2003 have not been considered because the arguments are not commensurate in scope with the current claims as presented before the non-entered after final amendment.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.


Christopher P Bruenjes

Examiner

Art Unit 1772

CPB

January 7, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER

1772

1/9/04